

EIGHTEENTH DAY

(Monday, February 16, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Give us eyes, Our Father, to behold how good and how pleasant it is for brethren to dwell together in unity. Teach us to disagree and not be disagreeable, forgive us our sins as we forgive others, and may brotherly love prevail in all the deliberations and decisions this day. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 12, 1959 was dispensed with and the Journal was approved.

Report of Standing Committees

Senator Willis submitted the following report:

Austin, Texas,
February 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 81, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Kazen submitted the following report:

Austin, Texas,
February 12, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senate Resolution 84

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the gallery Mesquite High School Government Class, Mesquite, Texas, accompanied by Miss Florence Black; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; Now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students and Miss Black to the Members of the Senate.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 15, In memory of Dr. Paul Lewis Boynton.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 16, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

H. C. R. No. 29, Commending the Texas Legislative Service.

H. B. No. 202, Changing the name of Southwest Texas State Teachers College to Southwest Texas State College; fixing an effective date; and declaring an emergency.

S. B. No. 45, An Act to amend Section 1 of Chapter 511, Acts 1955, 54th Legislature, Regular Session, as heretofore amended by Chapter 65, Acts 1957, 55th Legislature, Regular Session, by enlarging the boundaries of Fort Bend County Water Supply District; finding a benefit; and declaring an emergency.

S. B. No. 79, An Act relating to the appointment, qualification, duties and compensation of official shorthand reporters for the District Courts of the Fifty-third and One Hundred Twenty-sixth Judicial Districts of Texas, for the Ninety-eighth District Court of Travis County and for the Criminal District Court of Travis County; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statements of fact and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

S. B. No. 108, An Act relating to the construction and operation of the jury wheel; amending Article 2095, Revised Civil Statutes of Texas, as amended; and declaring an emergency.

(With amendment.)

S. B. No. 128, An Act to repeal Section 4 of Article 2784g, Texas Civil Statutes, Acts 1953, 53rd Legislature, Chapter 273, relating to the applicability of the maximum tax rate of school districts in counties with seven hundred thousand (700,000) or more population having an assessed valuation for tax purposes in excess to one billion dollars; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Bills and Resolutions on First Reading

The following bills and resolutions

were introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 159, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in Grimes County; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended so as to make that act applicable to Grimes County; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Herring:

S. B. No. 160, A bill to be entitled "An Act authorizing the Commissioners Court of Travis County, Texas to pay the District Judges of the 53rd Judicial District, 98th Judicial District, 126th Judicial District, and the Criminal District Court of Travis County, respectively, compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; making provision for compensation of Judges assigned to sit for the Judges of said courts; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 161, A bill to be entitled "An Act to amend Article 602 of the Penal Code of Texas, 1925, as amended, making it an offense for any husband to willfully desert, neglect, or refuse to provide for the support and maintenance of his wife, who may be in necessitous circumstances, or any parent who shall willfully desert, neglect, or refuse to provide for the support and maintenance of any child, under a certain age; prescribing fines, penalties and punishment; making proof of good health of parent at time of trial prima facie evidence of the parent's ability to provide for such support and maintenance during the period in which he failed to do so; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 162, A bill to be entitled "An Act to amend Chapter 41, Acts of the Fortieth Legislature, First

Called Session, which is codified as Rules 34a-55a of Article 4477, Vernon's Texas Civil Statutes and as Article 781a, Vernon's Texas Penal Code, by adding thereto new Sections to be known as Rules 56a and 57a, Article 4477, Vernon's Texas Civil Statutes, providing for the filing of a record of each marriage, each divorce and annulment of marriage in this State with the State Registrar of Vital Statistics; providing for the adoption of such regulations and the issuance of such instructions as may be necessary; providing fees for the county clerks, district clerks, and the State Registrar for preparing and filing such records; providing the time this Act shall take effect; and providing this Act shall not affect any other law now in effect with respect to marriages, divorces, and annulments of marriage; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 163, A bill to be entitled "An Act to amend Section 18 of Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended, which is codified as Rule 51a of Article 4477, Vernon's Texas Civil Statutes, providing for the filing of applications for delayed registrations of birth with the State Registrar of Vital Statistics and, under certain conditions, with the probate courts; providing for revised standards and procedures for the delayed registration of births and the adoption of regulations relating thereto by the State Department of Health; providing fees therefor; providing the time this Act shall take effect; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 164, A bill to be entitled "An Act to amend Section 14 of Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended, which is codified as Rule 47a of Article 4477, Vernon's Texas Civil Statutes, by adding thereto a new Section to be known as Section 14a, and to be codified as Rule 47b of Article 4477, Vernon's Texas Civil Statutes, providing for the transfer of the item as to the legitimacy status of a person from the legal certificate of birth to that section of the certificate entitled 'For Medical and Health

Use Only,' providing that the section 'For Medical and Health Use Only' shall not be considered a part of the legal certificate of birth, and providing the time this Act shall take effect; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Reagan and Fly:

S. B. No. 165, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to improve the facilities of the Institute of Marine Science, Port Aransas, Texas, by constructing and equipping a Research Building and by acquiring by gift, purchase, or otherwise any or all of certain property at Port Aransas, Texas, for the purpose of dredging and maintaining dock facilities for University-owned boats; providing method of financing; and declaring an emergency."

To the Committee on State Affairs.

By Senator Baker:

S. B. No. 166, A bill to be entitled "An Act changing the name of the Texas State Cancer Hospital created by Acts, 47th Legislature, 1941, page 878, Chapter 548 (Art. 2603e, V.C.S.), and M. D. Anderson Hospital for cancer research created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas M. D. Anderson Hospital and Tumor Institute'; changing the name of the Dental College of The University of Texas created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas Dental Branch at Houston'; changing the name of the Preceptorial Training Center created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas Postgraduate School of Medicine'; providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to Texas State Cancer Hospital or M. D. Anderson Hospital for Cancer Research, Dental College, and Preceptorial Training Center shall be applicable and relate to 'The University of Texas M. D. Anderson Hospital and Tumor Institute,' 'The University of Texas Dental Branch at Houston,' and 'The University of Texas Postgraduate School of Medicine,' respectively; providing that all appropriations heretofore or hereafter made by the Legislature shall be available for the use

and benefit of the institutions whose names are changed; ratifying, confirming, and validating all contracts, bonds, notes, or other debentures heretofore or hereafter issued on behalf of the respective institutions; and declaring an emergency."

To the Committee on State Affairs.

By Senators Aikin and Wood:

S. B. No. 167, A bill to be entitled "An Act placing all County Attorneys and Criminal District Attorneys performing the duties of District Attorney on a salary basis of compensation and fixing the minimum and maximum amounts of such salaries; providing for payments by the State into the Officers' Salary Fund of each county having a County Attorney or Criminal District Attorney performing the duties of District Attorney; amending Subsection (b) of Section 13 and Subsection (a) of Section 15, Chapter 465, Acts of the 44th Legislature, Second Called Session, as amended, so as to delete provisions for apportionment of State appropriations made pursuant to those statutes to counties having a County Attorney and/or Criminal District Attorney performing the duties of District Attorney; stating the effect of this Act on other laws; providing an operative date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Aikin:

S. B. No. 168, A bill to be entitled "An Act relating to the responsibilities, powers, and duties of the Central Education Agency, State Board of Education and State Commission of Education with respect to Public Junior Colleges; and declaring an emergency."

To the Committee on Education.

By Senator Martin:

S. B. No. 169, A bill to be entitled "An Act amending Section 407 of the Texas Probate Code so as to abolish the absolute necessity of publishing citation upon the filing of an account for final settlement; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Fly:

S. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas by adding a section to be known as Section 1-d of Article VIII providing that no bill levying taxes

shall hereafter be enacted into law without the affirmative vote of at least two-thirds of the elected membership of each House of the Legislature; providing for an election; prescribing the form of ballot and providing for the necessary proclamation and publication.

To the Committee on Constitutional Amendments.

By Senator Bradshaw:

S. J. R. No. 9, Proposing an amendment to Article I of the Constitution of Texas by adding a new Section 30, whereby every adult citizen of sound mind shall have the right to protect his own body and the bodies of his minor children.

To the Committee on Constitutional Amendments.

Senate Resolution 85

Senator Aikin offered the following resolution:

Whereas, Senator Wallace Hughston is a visitor at the Capitol today; and

Whereas, The Senate is delighted to have this outstanding citizen as our guest; now, therefore, be it

Resolved, By the Senate, that Senator Hughston be extended a hearty welcome and the privileges of the floor for today.

AIKIN
ROBERTS
MOFFETT

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the former Senator Hughston to the Members of the Senate.

Senate Concurrent Resolution 17

Senator Fly offered the following resolution:

S. C. R. No. 17, Creating Texas Educational Standards Commission to study public schools curricula, etc.

Whereas, Recent international events have caused Americans to focus greater attention on their public schools, with particular reference to the subjects and courses being taught in them; and

Whereas, For a number of years many citizens have been greatly concerned over the effects upon public

school children of certain educational theories and practices that apparently have caused a marked dilution of the historically strong, mentally-stimulating public school curricula which contributed so definitely to the rise of America as the foremost nation on earth; and

Whereas, Many children are being educationally undernourished through subjection to weak, anemic curricula, and consequently will be poorly prepared for the battles of life and full citizenship in our complex modern society; and

Whereas, Texans desire to know, as is their right, just what courses are being taught in their public schools and the cost thereof; who are responsible for the decisions which shape the various courses and their subject content; what improvements can be made in public school curricula; the roles, if any, that may be played at local levels by those who bear the cost of public education in determining whether or not educational frills can be afforded; and if, in the opinion of informed persons, the relaxing of educational standards in recent years has played a part in the increase in juvenile delinquency; now therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That a commission be appointed, to be known as the Texas Educational Standards Commission, to be composed of fifteen (15) members; five (5) to be appointed by the Lieutenant Governor, with three (3) from the Senate; five (5) to be appointed by the Speaker of the House, with three (3) from the House; and five (5) to be appointed by the Governor from private life; and be it further

Resolved, That said Commission shall, when completed, convene upon the call of the Governor and elect from its membership a chairman and any other officers deemed necessary; and be it further

Resolved, That the Texas Educational Standards Commission be and it is hereby charged with the responsibility, and is hereby clothed with full authority, to conduct a study of Texas public school curricula and to examine into the several other matters recited above in this resolution, and shall report thereon with recommendations to the 57th Legislature; and be it further

Resolved, That the Commission may request and use the aid and services of any corporation or individuals professionally engaged in governmental and educational research on such terms and under such conditions as may be mutually agreed upon between the Commission and any such corporation or individuals, but such agreement may not include any payment by the Commission for the aid and services rendered; and be it further

Resolved, That agencies of the State Government and public institutions of higher education, when requested to do so by the Commission or its professional staff, shall furnish information and other assistance needed in their study.

The resolution was read and was referred to the Committee on State Affairs.

House Bill on First Reading

The following bill received from the House today was read first time and referred to the committee indicated:

H. B. No. 202, To the Committee on State Affairs.

House Concurrent Resolution 29 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 29, Expressing appreciation to Mr. Walter E. Long and the Texas Legislative Service.

The resolution was read and was adopted.

Senate Bill 109 on Second Reading

Senator Parkhouse moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 109 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Moore	Wood

Present—Not Voting

Gonzalez

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 109, A bill to be entitled "An Act amending subparagraphs (d) of paragraph (1) of Section 1, Article 3.50, subchapter E, of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by House Bill 123, Chapter 146, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to provide that the limitations thereof as to amounts of insurance on any employee shall not apply to amounts of insurance issued on other than the term plan in connection with a pension plan which amounts do not exceed the amounts required at normal retirement date to provide the pension specified by the plan."

The bill was read second time and was passed to engrossment.

Senate Bill 109 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Hardeman	Moore

Owen	Rogers
Parkhouse	Secrest
Phillips	Smith
Ratliff	Weinert
Reagan	Willis
Roberts	Wood

Present—Not Voting

Gonzalez

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Present—Not Voting

Gonzalez

Senate Bills Nos. 102 and 114 Laid on the Table

On motion of Senator Owen and by unanimous consent S. B. Nos. 102 and 114 were Laid on the Table.

Senate Bill 52 on Second Reading

Senator Martin moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 52 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Fly
Baker	Fuller
Bradshaw	Gonzalez
Colson	Hardeman
Crump	Hazlewood
Dies	Herring

Hudson
Kazen
Krueger
Lane
Martin
Moffett
Moore
Owen
Parkhouse
Phillips

Ratliff
Reagan
Roberts
Rogers
Secrest
Smith
Weinert
Willis
Wood

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 52, A bill to be entitled "An Act transferring criminal jurisdiction in misdemeanor cases from Ellis County District Court to County Court of Ellis County, Texas; providing for the transfer as to pending cases and the enforcement of judgments heretofore rendered; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 52 on Third Reading

Senator Martin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly
Fuller
Gonzalez
Hardeman
Hazlewood
Herring
Hudson
Kazen
Krueger
Lane
Martin
Moffett
Moore

Owen
Parkhouse
Phillips
Ratliff
Reagan
Roberts
Rogers
Secrest
Smith
Weinert
Willis
Wood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Adjournment

On motion of Senator Hardeman the Senate at 11:13 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
W. W. (Cap) King

Senator Dies offered the following resolution:

(Senate Resolution 86)

Whereas, On the 6th day of February, 1959, Almighty God called to his heavenly rest, W. W. (Cap) King of Bronson, Sabine County, Texas; and

Whereas, He was born January 5, 1880, at Milam, Texas, attended school in Jasper, Texas, taught school at Tebo, Texas, and in 1902 went to Bronson to become one of the founders of that town; and

Whereas, He served with distinction as a Representative in the 33rd and 42nd sessions of the Texas Legislature; and

Whereas, He served for many years as the Sabine County Parole Officer for the Texas Prison System, and was a charter member of the Bronson Masonic Lodge; and

Whereas, "Cap" King was loved and admired by thousands of people from all walks of life, and was a true patriot and friend of mankind; therefore, be it

Resolved, That the Senate of Texas pay tribute to "Cap" King, that copies of this resolution be forwarded to his family, Mrs. E. E. Marshburn, of Bronson, Mrs. Ben Smith, Jr., of Pineland, Lt. Col. B. W. King, U. S. Marine Corps, L. E. King, Hemphill, and E. L. King, of Low's Chapel; that a page of the Senate Journal be set aside to his memory; and that when the Senate of Texas adjourns today, it do so in honor and respect to W. W. (Cap) King.

The resolution was read and was adopted by a rising vote of the Senate.